

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOSEPH EUGENE HOWARD,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-13695

WEST VIRGINIA DIVISION
OF CORRECTIONS, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER
(Motion for Injunction)**

Pending before the court are Plaintiff Joseph Eugene Howard's Motion for Injunction [Docket 15] and Amended Motion for Injunction [Docket 20]. These motions were referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this court of proposed findings of fact and a recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 3, 2015, the Magistrate Judge submitted proposed findings of fact and recommended that this court **DENY without prejudice** the plaintiff's Motion for Injunction [Docket 15] and the plaintiff's Amended Motion for Injunction [Docket 20]. On March 19, 2015, the plaintiff filed timely objections [Docket 22] to the Magistrate Judge's proposed findings and recommendation ("PF&R").

A district court shall make a de novo determination of those portions of the PF&R to which objection is made. 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate

judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

The plaintiff's objections, though timely, simply restate the allegations and evidence from his previous filings. The only specific reference the plaintiff makes to the PF&R states: "The balance of equity tips in favor of the plaintiff and he has in fact satisfied the four elements of *Winter v. National Resources Defense Council, Inc.*, 555 U.S. 7, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008)." (Pl.'s Objections to PF&R [Docket 22], at 3-4). "*De novo* review is not required or necessary when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations." *Howard's Yellow Cabs, Inc. v. United States*, 987 F. Supp. 469, 474 (W.D.N.C. 1997). The plaintiff offers no explanation as to how the Magistrate Judge erred in his analysis of the *Winter* factors and no evidence contrary to the ultimate findings. Therefore, I do not construe the plaintiff's mere disagreement with the Magistrate Judge as a specific objection requiring *de novo* review. Accordingly, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendation. The court **DENIES without prejudice** the plaintiff's Motion for Injunction [Docket 15] and the plaintiff's Amended Motion for Injunction [Docket 20]. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 23, 2015



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE